IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A.O.NO.128 OF 2005

Mr. Jayantilal V. Khimavat .. Appellant
(Org. Plaintiff)

vs.

Suchaka Leasing & Investments
Pvt. Ltd. & ors. .. Respondents.

Mr.A.M.Saraogi, Advocate for the Appellant.

Mr.S.D. Mogre, Advocate for the Respondent No.3.

CORAM : A.S.OKA, J.

DATED : 28th February, 2005.

P.C. :

1. Admit. Shri Mogre waives service for Respondent No.3.

2. The learned Counsel appearing for the Appellant and Respondent No.3 state that the main Notice of Motion is pending in the trial Court and therefore instead of keeping the appeal pending in this Court, the same may be disposed of by directing that ad-interim order dt.17.10.2003 will continue to operate till the disposal of the

motion. In view of this statement service on other Respondents is dispensed with.

3. Hence Appeal from order is disposed of by passing following order:

(i) Ad-interim order dated 17.10.2003 passed by this court will continue to operate till disposal of Notice of Motion No.3117 of 2003. The hearing of the Notice of Motion is expedited.

(ii) All contentions of the parties in said Notice of Motion and in the main suit are expressedly kept open and the said proceedings will be heard on its own merits.

. All parties and the concerned court to act on the authenticated copy of this order.

(A.S.Oka,J.)